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MEETING OF THE PENNSYLVANIA BRANCH.

THE PENNSYLVANIA PENAL COMMISSION'S REPORT.¹

LOUIS N. ROBINSON.²

The unemployment of adult prisoners, their idleness at the expense of free labor, the punishment of many helpless and innocent dependents, the loss to the incarcerated individual of moral and physical stamina, and the impossibility of inculcating in the prisoners under such conditions habits of thrift and industry, these are the outstanding features of the present prison situation in Pennsylvania.

In forty-two of the seventy county institutions, the inmates do no work whatsoever. In fifty-eight of the seventy, no goods are produced for sale. Only three counties have done any road work and the total amount performed is wholly insignificant.

No goods are produced for sale in the Huntington Reformatory.

In the Eastern Penitentiary, about seventeen per cent of the inmates are employed in the production of goods for sale; in the Western Penitentiary, the number is given as thirty-five per cent.

In the two penitentiaries and in the reformatory, some prisoners are employed in work about the institution; a few of the counties use a small per cent. of their prisoners in this way.

Briefly, these statements measure the extent of employment in these seventy-three institutions, which had on September 15, 1914, a total population of 8,335.

In only five of these institutions which have been enumerated are the prisoners paid wages.

In the grammar class of a prison school in one of the states, a convict was asked the question, "What are the two principal parts of a sentence?" "Solitary confinement and bread and water," was the answer in place of the expected one, "Subject and predicate." In Pennsylvania, the fitting reply would be "Little work and still less pay."

¹ Read at the annual meeting of the Pennsylvania Branch of the Institute, April 14, 1915.

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This state of affairs has come about through two things—the retention of the county jail system and restrictive legislation aimed directly at prison labor.

There stands today on the statute books of the state a law which positively forbids the employment of more than thirty-five per cent. of the number of inmates of any penal institution in the production of goods for sale. The use of power-driven machinery is also absolutely prohibited. Men sit, yes, must sit in idleness day in and day out, year in and year out because we, the citizens of Pennsylvania, have so willed it at Harrisburg.

The history of prison labor legislation in Pennsylvania has been an interesting one. In the "Laws agreed upon in England" which became operative in Pennsylvania in 1682, there was a provision that all prisons should be workhouses. Not until 1790, however, over 100 years later, was there any legislation to determine *how* the inmates of these institutions should be employed. In that year an act to reform the penal laws was passed and this established what might be termed the County-Account System. At that time all institutions for the detention of prisoners were county institutions, and the law placed in the hands of the officials of these local institutions the task of securing raw material and tools and of setting the prisoners at work. The goods were sold on the open market in the same manner as the goods of any manufacturer.

In 1818, the Western Penitentiary was established and in 1821 the Eastern Penitentiary. The inmates of these two state institutions were directed to be employed under the same system that had been devised for the county-jails. The officials of the penitentiaries secured the raw material and machinery and the goods were sold by them in the open market. This method of employing prisoners is called the State Account System.

Little by little, as years passed, the contract system crept into state and county prisons. Private manufacturers brought their raw material and machines inside the prison walls and took over the employment of prisoners, paying the authorities in charge of the institution a stated sum per head for the prisoners so used. This system did not get in the Eastern Penitentiary but it did in the Western as well as in various county jails.

Just as in other states, opposition to the contract system developed. It was felt that the employer of prison labor had special privileges which were inimical to public welfare. His labor force could not strike, it was underpaid, privileges of plant were given

to the contractor, and his costs of production were consequently low, making it possible for him to undersell his competitors.

In 1878, a commission was created by a joint resolution to look into this problem of contract labor. It made an adverse report, and in 1883, the contract system was abolished throughout the state.

Such institutions as had made use of the contract system turned again to the old way of employing the prisoners—state institutions to the State Account System and the county institutions to the County Account System.

But even this law of 1883 did not clear up the situation. It was evidently feared that the state would prove a more undesirable competitor than the private contractor. It can be seen, of course, that the state *could* sell goods, if it chose to do so, for next to nothing, obtaining by taxation the funds to continue in business. So, in 1897 was passed the law, referred to at the beginning of this discussion on prison labor legislation, which limited the employment of prisoners in the production of goods for sale to thirty-five per cent. of their number. In 1907, an act was passed making possible the employment of county prisoners on the roads, with the result that has been stated.

The actual extent of unemployment which I stated at the beginning is far greater than a strict interpretation of the law would seem to compel, though the ulterior consequences of the law of 1897 must be considered. This is a machine age. To set men at work on tasks where no power machinery can be used is a difficult problem in itself. It leads to such absurdities as are seen for example in the Western Penitentiary where men work in groups turning a crank to furnish power which could be easily had from a \$50.00 gasoline engine. It accounts for the fact that the Huntingdon Reformatory sold all of its splendid machinery, gave up producing goods for sale and decided to give trade instruction, as if *grown* men could be taught trades successfully where no real work is done.

But there is a second reason for the great amount of unemployment. The thirty-five per cent. law and the ban on power machinery cannot account for the tremendous per cent. of unemployed people in the county jails. Only five employ anything like the 35 per cent. of their inmates which the law allows. Moreover, in the county jails of other states, the situation is much the same. Idleness is the fate of the jail prisoner in nearly every jail in the United States. The repeal of the 35 per cent. law would not solve the unemployment in the county jail. The trouble is more deep-seated than that.

As the Penal Commission has said in its report: "The real cause of unemployment in these institutions [county jails] is to be sought in

the nature of the institutions themselves rather than in any laws which seem to offer a barrier to the employment of the inmates."

Reformers everywhere are working for the elimination of the county jails as places of detention for sentenced prisoners. In its report to the legislature the Penal Commission has stated the problem of unemployment in the county prisons so well that I can do no better than quote the paragraphs relating to this subject:

"In the first place, the county is entirely too small a unit of prison administration. The modern conception of a prison is a place that affords ample opportunity for work and exercise, where trades can be taught and instruction given to those who need it, an institution, in short, which might be termed an industrial school for adults. Reference to the first table printed in this report shows what a large number of jails in Pennsylvania there are having a population under thirty. Some, indeed, have no inmates; others but three or four. It is, therefore, useless to expect county authorities to establish a modern prison for the detention and reformation of criminals. Nor would it be wise for them to do so. Such institutions are costly, and for each county to think of running such a plant would be as foolish a policy as for each school district to have its own high school. One such institution would easily suffice for several counties; and, while it is a crime not to have any for the misdemeanants of the state, it would perhaps be a still greater one to saddle sixty-seven of these—one for each county—upon the backs of the taxpayers. Six would suffice.

"The second reason for this attempt to replace the jails by state institutions is closely akin to the first. Just as the county is not able, on account of its size, to provide the kind of prison which public opinion now demands, so also it fails, and will continue to fail, to solve the question of management because a good superintendent is not to be had for the money which the county authorities, having in mind the small number of prisoners in the jail, are willing to offer. No one will deny that the man placed in charge of misdemeanants ought to be a capable and skilled administrator, having a clear understanding of the task before him and a vision of what it is possible to do under the circumstances. Only the most densely inhabited counties can pay the salary necessary to secure a superintendent of this sort. Moreover, such a man could easily take charge of six or seven hundred prisoners, perhaps even more.

"As it is, the management of most jails is placed in the hands of the sheriff, an official who is chosen for every other reason than his ability to run a prison. His tenure of office is uncertain, and he makes little or no attempt to develop a policy of reform or advance-

ment. In those counties where a keeper is appointed, the situation is little better. Small pay and little opportunity do not attract big men. As a rule, however, the county probably gets a better man than it deserves to have from the point of view, at least, of the compensation which it offers. Again, in many counties, there is little public discussion of prison matters and the management gets in a rut. It is far easier to bring the pressure of public opinion to bear on a few state institutions than it is on sixty-seven local jails or prisons which seem to many so unimportant, however great their possibilities for harm may be. The state can secure wide-awake administrators; and, once they are placed in charge of such prisons or industrial farms as are called for in the act embodying the main recommendations of the commission in reference to jails, not only would the great problem of the proper employment of misdemeanants be solved, but the evils of jail life would be banished once for all."

Summed up, the prison problem in Pennsylvania is to find suitable work for the thousands of prisoners who are now condemned to lives of idleness and to see to it that a part of the results of their labor are handed over to those who are dependent upon them for a livelihood.

Lack of employment is the fundamental evil in our prison system. This denial of the right to work and to earn for one's self and dependents is to my mind a cruel and unusual punishment, and as such forbidden by the Eighth Amendment of the Constitution of the United States.

As I have said, there are two causes for this state of affairs. Restrictive legislation has hemmed the institutions around in such a way that they stand nearly helpless in the face of insistent cries on the part of prisoners for work. The policy of intrusting the care of misdemeanants to local units of government—a practice which came to us from England, but one which England itself gave up long ago—acts as an obstacle to the employment of jail prisoners no less great than the restrictive legislation already referred to.

To change this situation so that adult prisoners in Pennsylvania may have this opportunity to work and to earn, the Commission has made to the legislature several recommendations which have all been embodied in bills prepared by the Commission.

It has recommended that all the prisoners be employed under the so-called State-Use System. This differs not at all from the State-Account System except that the State itself uses the products which are produced in the prisons. The State itself decides on what shall be produced, carries on the operations of production and sells to itself

and its institutions, and to the political subdivisions of the State and their institutions, the goods which the prisoners have made.

The Commission recommends that this system be introduced at once in the two penitentiaries and the Huntingdon Reformatory. In the bill providing for the introduction of this system, the Commission has provided for a board representing both the producing and consuming interests to take charge of the industries in these three institutions.

The Commission also recommends that each prisoner employed be paid from ten to fifty cents per day, three-fourths of which may be paid to those dependents who are able to establish their claims to the satisfaction of the board.

The law has been drawn in such a way that, if the authorities deem it wise, training and instruction can be made the chief aim in the work assigned.

In attempting to solve the problem of unemployment which is due to the continuation of the county-jail system, the Commission has followed the lead of England itself and of such states as Indiana and Iowa. It has recommended that the state be divided into six districts and that the state establish in each district an industrial farm in which all persons now sent to county-jails under sentence by courts of record should be imprisoned. The ideal which the Commission had in mind is best represented by the institution at Ocoquan, Va., recently described by Mr. Whittaker at a luncheon of the city club. Once these are established, the recommendation of the Commission is that the employment and compensation of the prisoners of these farms be entrusted in a general way to the same board that it is proposed to place in charge of the industries of the reformatory and the two penitentiaries.

The Commission has also recommended that a farm be purchased for the use of the Eastern Penitentiary.

The remedies which the Penal Commission have proposed are after all very simple. Employ the prisoners under the State-Use System, a system which is approved alike by free labor and by careful students of the problem. Pay the prisoners for their work, so that they may help their dependents and have the means for a new start in the world. Bring the sentenced misdemeanants under the direct control of the state. Place them in institutions where the task of setting them to work will not be enormously increased, as it now is, by the very nature of the institution.

Ladies and gentlemen, it is always a fair question to ask whether the system is at fault or the men who administer it. There can be

but one answer in this case. On the system must be placed the blame. Charges of graft, brutality and inefficiency in prison officials do not come to our ears in Pennsylvania. Many of our officials are fine, conscientious men who are working along under conditions which must often prove most discouraging. These conditions must be changed, but the place to do it is at Harrisburg, and you thoughtful citizens of Pennsylvania who have taken the time to come here this evening are the ones who must do the work.

DISCUSSION.

Professor J. P. Lichtenberger, President of the Pennsylvania Society, had, at the beginning of the session, relinquished the chair to Judge Robert Ralston, President of the national organization of the Institute. At this point President Ralston introduced Dr. Katherine Davis, Commissioner of Corrections in New York City, who spoke as follows:

Mr. Chairman, Ladies and Gentlemen: I have listened with great interest to the outlines of the plan proposed for Pennsylvania. It is of especial interest to me, because, in New York City, we have been working for the last twenty years under the State-Use System. In this series of institutions, we have as many prisoners as you have in the entire state of Pennsylvania.

Therefore, I can speak from experience in the State-Use System, and can point out some of the difficulties under which we are working in the state of New York, so that you may be able to avoid these difficulties. If you succeed in carrying your program through, abolishing the county jails and establishing state farms, you will have an advantage over us in some particulars. You will not, however, in my judgment, have solved the problem very satisfactorily, so long as you have a system of short-term, definite sentences for minor offenses, resulting in a large number of repeaters in the smaller institutions.

This is, on the face of it, very easy to understand. You cannot teach a man a trade in ten days. A very large proportion of the men and women sentenced for short terms are unskilled workers; that is why we must have state farms for short-term people. On the farm, there are many things that can be done by the untrained man, and it makes no difference if you have one set of workmen one day and another set next week. If you teach a man the difference between an onion and other vegetables, it does not make any difference to the onion who pulls the weeds. If, however, you undertake to introduce manufacturing industries for short-term persons, you will be apt to succeed very poorly; because the product will show the result of constant change in the personnel of the laboring force.

These conditions do not prevail in the state prisons, where you have men sentenced for long terms to be taught a trade; but even then there are difficulties. In New York State we have had, as I told you, the State-Use System for twenty years; but the problem has not been solved. In 1849 an attempt was made in the work-house to pay prisoners for their labor, and the same arguments as those used to-night were brought forward by those who favored this plan. The wage scale was thirty-seven and a half to sixty cents a day. At no time were the institutions even measurably self-supporting, in spite of not paying these wages for a short time.

After the system had been in vogue for several years, one of the Reports of the Governors of the Almshouse stated that they found that the system of payments did not work out satisfactorily, for this reason: They paid a certain proportion of the wages to the families of the prisoners, leaving a certain amount to be paid to the prisoners on discharge; and they found that the prisoners went out and had a grand good time on their accumulated wages, and then, in a short time, committed an offense in order to get back and replenish their purses! Therefore, in 1851, the wage scale was cut down to fifteen cents a day, so that there would not be the same inducement for a return to the prison; and, a few years later, the plan was given up altogether.

In the penitentiaries of New York City we have had, this winter, 2,200 men. In the city of New York we have four great prisons, and, in addition, we have a number of county penitentiaries. In the state prisons they make goods for the state institutions and for the departments of the state government; and the prisoners can be used in the construction of roads. In New York City we are limited to making things that can be used in the departments of the city government or in New York City institutions. There are also, of course, a great number of things that must be done in order to take care of the institution itself.

I doubt whether we shall ever get to a point where we shall pay outside people to do the work that must be done in a prison, as it must be done elsewhere. One of the corollaries of a complete introduction of employment with pay for all the prisoners will be that we shall be obliged to pay the prisoners for these household services, which must be attended to in prisons just as they must be in private homes. If we provide for the occupation of all prisoners and the payment of wages, we shall have to pay the men or women who do the ordinary work of keeping the institutions going. In that case, our productive work must bring in sufficient profit to pay not only the laborers engaged in the productive industry, but also those engaged

in the unproductive occupations. Otherwise it would not be possible to get people to cook, clean the institution and wash the dishes.

One of the matters in criminal institutions that will require readjustment before the plan suggested can be satisfactorily put into effect is one relating to the internal organization. It will be necessary to make such a change in this as to allow us to get time for a full day's labor on the part of the prisoners. If you have ever visited an institution containing fifteen thousand men, you will realize the amount of work that it takes to lock and unlock the cells, and get the men marched to and from whatever part of the building they have to work in. This must be done in the morning, at noon, after dinner, and at night; and the labor-day in most prisons is badly cut into by this necessary routine work. Something will have to be done to do away with some of these internal difficulties. Probably we shall have to have a greater number of shifts with our keepers, which will also be a charge on our industries, if we keep the system self-supporting.

Then we must consider the market and the organization of the factory. We have got to make the things that can be used in other state institutions or departments of the state government. We must make them so well that the authorities will be willing to purchase them, rather than purchase goods in the open market to supply their needs. In New York State, the law compels state institutions and municipalities to buy the prison-made goods, unless the prison authorities say that they cannot provide the goods when wanted; and there is a constant war between the prison authorities, on the one side, to make the institutions purchase these goods, and the institutions, on the other, to get out of doing so. The latter claim that the prison-made goods are not so well made nor so durable, and therefore not so well worth the money, as are the goods produced by other manufacturers.

This claim is not unwarranted. One reason is that we never, in New York, have had proper or adequate machinery. The first time I went through the shops connected with the penitentiary, after my appointment as Commissioner of the Department of Corrections, I was amazed. For instance, I went into the shoe-work department. I had heard of the difficulty we had had in prevailing upon the charitable institutions to take our product, and thought I would investigate. I found that we were using machinery more than twenty years old. It was absolutely out of date, of a kind not used now by any shoe manufacturer in the country. Moreover, the prisoners were making women's shoes with no rights and lefts, the shape of no human foot whatever. They were also using a kind of leather that is now off the market altogether. This leather was used for shoes twenty-five years ago, but shoe men have now found kinds better adapted to the pur-

pose. I learned that we were actually paying a firm to manufacture that particular kind of leather for our sole use. When I asked why this was done, they said they did it because they had always used that kind of leather. I said, "Why do you use this obsolete machinery?"; and they replied, "It was used by a shoe firm in Massachusetts more than twenty-five years ago, and what was good enough for that firm to get rich on is good enough for the penitentiary." They had been going on for twenty years in this way, and it was no wonder that the Department of Charities and the Department of Health should do their best to get out of buying these goods, because the product was not up to the present-day standard.

The argument presented for the continuance of these conditions was, in part, that New York could not afford to throw away this machinery and get some of a modern type; so it was retained. The result was that no man who learned to make shoes in the penitentiary could get a job when he went out. The thing that our administration must do is to get away from these methods, if we can; but it is going to be a big expense to re-equip all our shops with modern machinery. Nevertheless, we shall have no one who wants our products unless we do this; and we shall not be able to give the men a training that will enable them to get positions when they go out.

The same conditions are found in all the other shops as in the shoe shop. I have merely taken that as an illustration.

The only criticism that I have to make of your plan is that you have put in too small an amount as the appropriation necessary for machinery and for furnishing material for the turn-over. Another weak point in the New York system that you should avoid consists in not providing for keeping on hand a large enough stock of made-up goods to supply sudden demands. One day the deputy from the Department of Charities came to my office and said: "We have just obtained an appropriation for furnishing additional rooms in our lodging house, and we want one-hundred and fifty two-story bedsteads tomorrow." We could not, of course, make these in one afternoon. We make white enamel bedsteads, which are used in the fire and police departments. They are pretty good, and do not wear out quickly. Sometimes the bed shop is idle, because we have no orders; and the sensible thing to do, in these circumstances, is what any manufacturer would do, provided he knew that there would be a market for the product later; have some bedsteads made up during these slack seasons. Then, when an order came, the goods could be taken out of the storehouse and delivered. What we had to do, however, was to sign an order permitting the Department of

Charities to buy the bedsteads in the open market. We lost the job, for we could not keep these homeless men out of a bed for two weeks, while we made them.

You should have a sufficiently large turn-over in your working capital to enable you to keep on hand a stock of materials to be made up when there are no orders, and stored in your warehouse. Then your customers will be satisfied to buy of you, because they will not have to wait for weeks and weeks to have their orders filled. We have had to wait for weeks before we could get blankets from Sing Sing for our construction camp on Hart's Island, when we were in terrific need of them. We had men there living in open shacks, and the work of building was held up because we could not get these blankets. They did not have these in stock at Sing Sing, and could not make them in a hurry. These difficulties could be overcome in Pennsylvania, if you had proper business management.

Another important point is the choice of the goods that you are to manufacture. One of the principal considerations is how much of the product can be used. I went into the brush shops in the penitentiaries and found the broom-makers doing nothing. I asked why they were not working, and was told that they had nothing to do. It seems that their whole business consisted in making the rotary brooms used by the street-cleaning department. There is not another department or institution that uses these rotary brooms. The street-cleaning department had stocked up with them, and the prisoners were sitting around, waiting for the brooms to wear out.

I am not saying that it would not pay to have the simple machinery necessary for the manufacture of these articles; but it is not a good thing to keep machines and prisoners idle, waiting for orders to come in. The profit depends on the amount of output, the market you have, and the utilization of the machinery for the maximum time. In fact, in some of the most successful factories (notably, the Ford), they keep their men working in three shifts, so that the machinery can be in use nearly all the time.

In private industries, we try to have as large an amount of machine labor as possible in proportion to the amount of hand labor; but in prisons they do the opposite. In New York, they have tried to pick out trades in which but a small proportion of machinery is used, although there is no law there against the employment of machinery in prisons, such as you have in Pennsylvania. They do almost as absurd things, however; as supplying power by having men turn a crank. In private industries, employers have been criticized for trying to speed up the workers, so as to get more out of them.

In the prisons of New York State, on the contrary, the effort is to speed the workers down, so that there will be something for the prisoners to do for a longer time.

Now, there is nothing so strong as habit; and one of the greatest arguments for utilizing prison labor is that the men thus get into the habit of working. One of the bad things in New York State is that the prisoners work for so short a working day that when they go out they think it a hardship to have to work eight hours. Naturally, being used to working only four or five hours a day, they soon give up. There is nothing so strong as habit, and one of the things that we should aim at is to establish an industry on as nearly the same basis as a private industry as possible, employing the prisoners for eight hours a day, and having them work at a reasonable speed during that time.

I do not believe we shall succeed until we carry on the prison industry with the same kind of machinery as that used in private factories, scrapping the machinery, if necessary, to keep up with the progress of the times.

From my experience with the State-Use System, I should say that our only hope of successfully solving the problem is to conduct the business just as any business in private life would be conducted. You can do it, if you get the laws you wish passed and get business men to manage the work. You cannot do it if the only men in charge of the work are the keepers, who have not had any training in industry of any sort. I have nothing to say against these men, but many of them have been street-car conductors, for instance, and have had no mechanical training. It is really remarkable that they get anything done at all, under these conditions. You must have trained men—whatever you call them, instructors of industry or anything else—and you must pay them the salaries of trained men.

In New York, we are trying an experiment that may interest you; because, if you get your farm colonies, and we succeed in our experiment, it must help you. That experiment is in construction work. We have a farm in connection with the New York City Reformatory, which is an institution provided by the city for young misdemeanants. The Elmira institution takes care of young prisoners sentenced for felonies; but the city reformatory is for misdemeanants. We have bought a farm in Orange County, so that the institution will combine the features of a farm with those of an industrial colony.

The first point in the scheme is the building of the institution by the young men themselves. We are building a construction camp, in which we are going to place two hundred men within the next few

weeks. We have employed an architect to make our plans, and the work will be done under the direction of a construction engineer. We are also employing foremen-of-industry to instruct small groups of the boys and supervise their work.

Of course, it will take longer to build the institution in this way, but we believe that it will be a great training for the young men, and, in the second place, we shall save money for the city, which is a consideration just now. We are, at the same time, employing the same method in building a workhouse colony.

The problem that we have not solved is the industrial situation in the City penitentiary. We are, however, making a beginning, in a study of the articles that can be used in the City institutions and the departments of the City Government. We want to know the things for which there will be the greatest demand and the things best adapted to our purpose. We are going to start, on Hart's Island, a place to have our shops, where we hope to introduce a system of payment.

We have just heard today that our parole bill has passed both the Senate and the House at Albany. That means that we shall have an equivalent for the payment of wages. I have not advocated the payment of a wage before it is actually earned. It is not a good, sound principle to pay people before they have earned the money; and until they have earned their board and keep they are not earning a salary; but by this parole principle we shall be able to reward the men by shortening their sentences, or their terms, if they learn a trade and give good and faithful service in that trade after it is learned. We think that this will be an inducement equal to a paying wage. With this bill, we believe that we can make the first step toward establishing industries on better lines. I thought that, in starting a system of this kind in Pennsylvania for the first time, you might be able to avoid some of the rocks on which we have split.

At the conclusion of Dr. Davis' address, President Ralston introduced Mr. John J. Manning, Editor of the Journal of the United Garment Makers' Union and General Organizer of the Garment Workers of America. Mr. Manning spoke as follows on the Attitude of Organized Labor toward the Problem of Compensation for Prison Labor:

The question of the attitude of organized labor in regard to this problem is a very far-reaching one; but our position is, to say the least, seemingly so broad as not, to my mind, to give any warrant for the general belief that organized labor opposes the working of convicts

in any and all circumstances. The bad feature of that belief is that it is founded on a half-truth. We are opposed to the employment of convicts in certain directions. We are opposed to their employment under the contract, or lease system, and generally, under the State-Account System.

Our main reason for this opposition is a humanitarian one. We believe that the state or municipality that incarcerates a violator of the law is in duty bound to rectify, so far as possible, the defects in his character; and we deny the right of a state or community to sublet this responsibility, which is done when the labor of a prison inmate is sold to a private individual. In other words, the defect in the man's character, that the state has assumed to correct, is turned over for correction to one who has no interest in him except a financial one. We contend that a man who has nothing but a financial interest in anyone will never get beyond that point; and the evidence that our position in this matter is right is this: You can take the states in which the contract system has existed, and you will find criminals in a greater proportion than in parts of the country where the state still continues its responsibility. You will find no honor system obtaining where the contract system is in force. You will find no keeper or warden who believes anything but that nature has made a malformation of the inmate—that is, that he should have four legs, instead of two, so as to be better fitted to become the beast of burden that they consider him.

We object to the contract system because it is brutalizing to the prisoner. I have in mind a state where the male inmates of the penitentiary work in a shirt shop, and get only two minutes in the open air each week. By actual timing, it takes three-quarters of a minute to walk to the bath-house, and the same time to come back. That makes a minute and a half once a week, so my allowance of two minutes was really excessive. I have in mind that same institution, which now, through the force of public sentiment, has placed on exhibition one of its former punishment cells. The keeper and the warden of that institution had the audacity to say that no punishment of that kind had been inflicted for a long time, despite the fact that in my pocket was the statement, made by the warden to someone else, that he had discontinued the use of these punishment cells six months previously.

What does organized labor stand for? We stand in the open, play fairly, and flee the curtained face altogether. We not only want to eliminate the contractor, the lessor, but we want also to eliminate the politician and the local boss. Dr. Davis knows that this is a method they pursue in the state of New York: The state prisons

make an ash-can that is sixteen inches in diameter. The city wants to buy five hundred: but a local politician, in the deal, who is in the hardware business, wants the contract. Within a very few days we find that the city wants ash-cans seventeen and a half inches in diameter. As the state prison cannot furnish them, the hardware dealer gets the contract, and the prison-made goods are kept in the storehouse.

The way to solve that problem is to have a Board of Standardization and Classification, a board that shall have the power to standardize the commodities to be used in the various state charitable and eleemosynary institution, and say to the different officers: "This is what you are going to use for ten years; we are going to start our men at making this stuff after such a date. When you buy this stuff, that is the kind you are going to buy."

It is funny to me that people in their senses will act toward our prisons as toward no other public department. Instead of getting men with a business conception, it seems to me that they select the men most inefficient in that line. What should you think of the city government, if they should start to throw out the fire apparatus we now have and bring back the hand-run proposition? That is the way with our prison system, but you do not apply the same reasoning to it. If you had a hospital that discharged a patient as cured of scarlet fever or some other disease, and he went back with the same disease the following week, you would soon eliminate that hospital; but that is the way with our prisons. Why? Because you have not put your energy to developing a proper industrial system.

Until the industrial system is properly installed and executed, you are going to have your prison problem. The whole thought should be, not the money that is to come out of these institutions, but the corrected human product that is going to come out. If our labor organizations thought of nothing but the dues that we got out of our members, that is all we should have: a dues-collecting organization; but we not only try to provide strike-benefits, but also sick- and death-benefits. We provide, likewise, out-of-work and superannuation benefits. That is the principle we want to see in your institutions. There is no group of men that will go further to put the correct industrial system in our penal institutions than organized labor. It seems queer to me that there should be such a misconception among students or persons of average intelligence. Our organization is the pioneer in prison reform.

In 1823, in New York, we uttered a protest against the convict system then in use, against the exploitation of the man who cannot

protect himself. Because a man cannot protect himself, we have no license to exploit him. Let us see what is the position of the American Federation of Labor in regard to the matter. At the Nashville Convention, in 1897, a committee was appointed to go over the subject. Its conclusions were these:

"In approaching the subject of convict labor and its injurious influence upon free and honest labor, the investigator stands before one of those problems that have taxed the best thought and intelligence of penologists, and the solution of which has not yet been successfully accomplished. Two facts are to be borne permanently in mind in approaching this problem:

"First, the dictates of common humanity, the preservation of the health and morals of the convict, and the better fitting of him to become a useful member of society, demand that he be employed at some productive occupation.

"Second, that the best interests of free labor demand that the product of convict labor shall be disposed of in such a manner that it will not come into competition with the product of free labor."

Did you ever hear anything more clean-cut than that? The same committee, in its report, recommended this:

"After due consideration, we make this recommendation, and urge all affiliated bodies in the various states to work for its adoption by the legislature:

"1. The labor of any prisoner in any state prison, reformatory, penitentiary or jail shall be used for the manufacture of such articles as are required for use in various state penal or correctional and eleemosynary institutions; and, wherever practicable, in the raising of such farm and garden products as are required for use at these above-mentioned institutions.

"2. That the convicts shall be employed in productive labor for no more than eight hours per day."

Does not that sound pretty clear and distinct? Again, at San Francisco, Cal., in 1904, that position was reaffirmed. At the Minneapolis Convention, in 1906, they again re-affirmed that proposition; and within the past year, at a hearing before the Committee on Interstate Commerce of the United States Senate in regard to Senate Bill 2321, which gives to each state the right to regulate the receipt of convict-made goods within its borders, they sought to amend the

national law. Mr. Arthur E. Holder, representing the American Federation of Labor, addressed the committee, at that time, on this subject. This is what he said, in part:

“We object to the system of contracting convicts, by which the states have not been materially benefited; the convict has been imposed upon; certain members of the community, the working people, have been abused, and their position has been jeopardized; and a third person, the contractor, has been injected into the question and into the movement, who has been benefited personally, either as an individual or as a corporation, from the profits of the labor of the convict, which might otherwise have gone to benefit either the convict or the convict’s family, or the state. Against that evil we most emphatically protest.

“We stand upon a broad, high ground. I do not think that I can paint it in words that will make the picture sufficiently illuminating; but we would, if we could, as representatives of the American Federation of Labor, introduce an industrial system into our penal institutions that would so reform and so stimulate and so help the poor unfortunate who has been cast into prison, that he would be benefited to such a degree that he would never return thereto; and, according to that idea, according to the beneficent features of this proposed enabling act, we honestly believe that Yankee ingenuity could be so stimulated in our states that industries could be diversified whereby the convict could be employed properly, and by which he could be helped in such vocation as he had previously followed. If he did not know one, he could be taught one; and when he left the prison walls he could find an employer, or could find employment, that would benefit him and make him a good citizen. This is a practical proposition; and our organizations, local as well as national, stand ready to help our state governments or our national government to solve this problem.”

In the face of such sentiments as that, it is curious that there should be doubt as to our attitude. Let this be clearly understood: The people engaged in organized labor movements, as well as all other right-minded people in this country, are opposed to the exploiting of anybody, in or out of prison; but especially a man who is mentally or physically deficient and must be restrained in order to protect himself and society.

We want installed in our prisons an industrial system known as the State-Use System. I happened to be fortunate enough to be one of a group of persons that went to Sing Sing last January. Among those in the party was the President of the American Federation of Labor. The Shoe Workers and the Plumbers were also represented, and we had one mason, a member of the Executive Committee of the Mutual Welfare League, and the Warden. As the result of that visit, we, on our part, agreed that as soon as a census of that institution could be furnished us, showing the different skilled trades represented there, we would send in instructors from our ranks, free of charge to the state, to instruct the convicts as to the right way to go about things so as to fit them for jobs when they came out. On the other hand, the convicts, through their Executive Board, agreed that they would not recommend anyone whose prison record did not warrant him in the belief that he would make good.

That would have this effect: It would prevent, to a great extent, if they were turned out as skilled mechanics and taken into our organization, the arresting of a man because he was an ex-convict; because we would put our moral force behind him, and the detective trying to make a record at his expense would have to answer for it to our organization. On the other hand, it would guarantee to us that no mercenary detective agency, under the guise of an employment agency, could force these men to interfere in industrial disputes for fear of being sent back to prison. In this connection, I want to recall to your minds a recent incident in Roosevelt, N. Y. Of the twenty-six men arrested there, twenty-five had prison records. That could not have happened if the plan that I have mentioned had been in effect.

I want to tell you what else they are doing in Sing Sing. The boys have taken hold and have established an employment bureau to look up jobs for the men when they come out. They are doing another thing. There are very few shops that I know of in which they are using the honor system, but they had it introduced into Sing Sing. The first month that the Warden put it into effect in the shoe shop was the first time that any shipment had been made that was not "short"; that is, this was the first shipment from which the convicts had not stolen some of the shoes. Their motto now is: "Do good; make good"; and that is what they do.

I am not talking from a local point of view. Our belief in the treatment of convicts extends from Maine to California, and from

Canada to the Gulf of Mexico. It is not a local, but a national proposition with us, because we have members in every state in the Union.

Now, a word about our organization (The United Garment Workers of America). We have fifty thousand women members, a great number of whom are employed in the manufacture of shirts. In most of the places where manufacturing is being done, you find the male prisoners employed in making shirts. They will have a lot of chance of finding employment, when they come out, in a factory filled with girls! That is the way to make better men of them, to teach them something that they cannot find employment in when they get out of prison! The Garment Workers say: "We do not object to the state's teaching men a trade; we encourage it, and will send men and women into the institutions to teach people to make clothing for every inmate of your penal institutions and the charitable institutions, and will make of them skilled mechanics; but, for God's sake, do not try to reform a man by teaching him a woman's trade!"

I wish that time would permit, for I should like to go further, but I will depend upon the discussion that will come afterwards to bring out the remaining points. I will say this, however: You can go from this hall and tell anyone you meet that there is no man, woman, or group that will go further to help you to make good on your new proposition in the state of Pennsylvania than the organized workers, not only of Pennsylvania, but of the entire country!

Further discussion followed Mr. Manning's address in which Mr. Edwin M. Abbott, Chairman of the Penal Commission of Pennsylvania and Secretary of The American Institute of Criminal Law and Criminology, Dr. Charles D. Hart, Secretary of the Board of Inspectors of the Eastern State Penitentiary, Hon. Robert J. McKenty, once Director of Public Safety, now Warden of the Eastern Penitentiary, spoke briefly.

At the conclusion of the discussion Judge Staake offered the following motion:

"That this assembly call upon the members of the Legislature to make, as a part of the legal system of the Commonwealth of Pennsylvania, the following bills: House Bill No. 1041, removing the restriction on the employment of all prisoners; House Bill No. 1042, providing for the employment and compensation of prisoners; House Bill

No. 1043, establishing six state farms; House Bill No. 1054, establishing a farm for the Eastern Penitentiary; and House Bill No. 1055, continuing the present Penal Commission.’’

The motion was seconded and carried unanimously. The meeting was then adjourned by President Lichtenberger.